

REMARKS

Claims 1-9 are pending in this application. Applicant has cancelled Claims 10-21, without prejudice, and Applicant has amended Claims 1-9. Applicant has amended Claims 1-9 in order to more clearly distinguish the present invention, as defined by Claims 1-9, over the prior art. Applicant has also amended Claims 1-9 in order to place said Claims in better form for consideration. Applicant respectfully submits that the amendments to Claims 1-9 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-9, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §112 REJECTIONS AND "FORMAL" MATTERS:

The Examiner asserts that Claim 12 is rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

As noted above, Applicant has cancelled Claim 12, without prejudice. Applicant respectfully submits that Claims 1-9 are in compliance with 35 U.S.C. §112. In view of the foregoing, Applicant respectfully requests that the Examiner's rejection of Claim 12 be withdrawn.

Applicant acknowledges the Examiner's comments regarding the listing of references in the Specification. Applicant further acknowledges that, unless the above-referenced references have been cited by the Examiner on form PTO-892, they have not been considered.

II. THE 35 U.S.C. §102 REJECTIONS:

The Examiner asserts that Claims 1-9 and 12 are rejected under 35 U.S.C. §102(e) as being anticipated by Ballantyne, et. al, U.S. Patent No. 5,867,821 (Ballantyne).

As noted above, Applicant has cancelled Claims 10-21, without prejudice, and Applicant has amended Claims 1-9. Applicant has amended Claims 1-9 so as to more clearly distinguish the present invention, as defined by said Claims, over the prior art, and so as to place said Claims 1-9 in better form for consideration. Applicant respectfully submits that the amendments to Claims 1-9 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-9, is patentable over the prior art.

IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 1-8, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 1-8, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne. Applicant respectfully submits that Ballantyne does not disclose or suggest an apparatus, comprising a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a healthcare record or a healthcare file associated with a patient, wherein the processor determines whether a requesting individual or entity is authorized to at least one of access, obtain, change, alter, and modify, information contained in the healthcare record or the healthcare file, wherein the processor facilitates an at least one of accessing, obtaining, changing, altering, and modifying, of the information contained in the healthcare record or the healthcare file, and further wherein the processor generates a notification report containing information regarding the at least one of accessing, obtaining, changing, altering, and modifying, of the information contained in the healthcare record or the healthcare file, and a transmitter, wherein the transmitter transmits the notification report to a communication device associated with the patient, and further wherein the notification report is transmitted to the communication device in real-time on or over at least one of the Internet and the

World Wide Web or on or over a wireless communication network, all of which features are specifically recited features of independent Claim 1.

Applicant submits that Ballantyne does not disclose or suggest the recited transmitter which transmits the recited notification report to the recited communication device associated with the patient, and further wherein the recited notification report is transmitted to the recited communication device in real-time on or over at least one of the Internet and the World Wide Web or on or over a wireless communication network. Applicant submits that Ballantyne does not disclose or suggest the recited notification report which is transmitted to the recited communication device in real-time and on or over at least one of the Internet and the World Wide Web or on or over a wireless communication network.

In view of the foregoing, Applicant respectfully submits that Ballantyne does not disclose or suggest many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable Ballantyne.

Applicant respectfully submits that Claims 2-8, which Claims depend either directly or indirectly from independent Claim 1, are also patentable as said Claims 2-8 depend from allowable subject matter.

Allowance of pending Claims 1-8 is, therefore, respectfully requested.

IIB. THE PRESENT INVENTION, AS DEFINED BY CLAIM 9, IS PATENTABLE OVER THE PRIOR ART:

Applicant submits that the present invention, as defined by independent Claim 9, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over Ballantyne. Applicant respectfully submits that Ballantyne does not disclose or suggest an apparatus, comprising at least one of a receiver for receiving and a memory device for storing at least one of a restriction and a limitation regarding an ability of a first individual or entity to at least one of access, obtain, change, alter, and modify, information contained in a healthcare record or a healthcare file, wherein the healthcare record or the

healthcare file is associated with a second individual, and further wherein the at least one of a restriction and a limitation is transmitted to the receiver from a communication device associated with the second individual, all of which features are specifically recited features of independent Claim 9.

Applicant submits that Ballantyne does not disclose or suggest the recited at least one of a receiver for receiving and a memory device for storing the recited at least one of a restriction and a limitation regarding an ability of a first individual or entity to at least one of access, obtain, change, alter, and modify, information contained in the recited healthcare record or the recited healthcare file which is associated with a second individual, wherein the recited at least one of a restriction and a limitation is transmitted to the recited receiver from the recited communication device associated with the second individual. Applicant submits that Ballantyne does not disclose or suggest the recited at least one of a restriction and a limitation which is transmitted to the recited receiver from a communication device associated with the second individual.

Applicant further submits that Ballantyne does not disclose or suggest a processor for processing a request to at least one of access, obtain, change, alter, and modify, information contained in the healthcare record or the healthcare file, wherein the processor processes the request utilizing the at least one of a restriction and a limitation, and further wherein the processor determines whether an at least one of accessing, obtaining, changing, altering, and modification, of the information contained in the healthcare record or the healthcare file is at least one of authorized, allowed, not authorized, not allowed, and restricted, based on the at least one of a restriction and a limitation, all of which features are still other specifically recited features of independent Claim 9.

Applicant submits that Ballantyne does not disclose or suggest the recited processor which processes the recited request to at least one of access, obtain, change, alter, and modify, information contained in the recited healthcare record or the recited healthcare file, which recited processor processes the recited request utilizing the recited at least one of a restriction and a limitation. Applicant further submits that Ballantyne does not disclose or suggest the recited processor which determines whether an at least one of

accessing, obtaining, changing, altering, and modification, of the information contained in the recited healthcare record or the recited healthcare file is at least one of authorized, allowed, not authorized, not allowed, and restricted, based on the recited at least one of a restriction and a limitation.

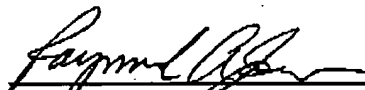
In view of the foregoing, Applicant respectfully submits that Ballantyne does not disclose or suggest many of the specifically recited features of independent Claim 9. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable Ballantyne.

Allowance of pending Claim 9 is, therefore, respectfully requested.

III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

Respectfully Submitted,


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Encl.: - Abstract of the Disclosure

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